



**MINUTES
REGULAR CITY COUNCIL MEETING AND JOINT MEETING OF THE CITY
COUNCIL AND THE BOARD OF DIRECTORS OF THE COMMUNITY
REDEVELOPMENT AGENCY OF THE CITY OF COTATI
OF THE CITY OF COTATI
WEDNESDAY SEPTEMBER 23, 2009
7:00 PM REGULAR SESSION**

7:00 PM

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Guardino called the meeting to order at 7:01 p.m.

ROLL CALL

Councilmembers present: Barich, Gilardi, Orchard, Vice Mayor Coleman-Senghor, Mayor Guardino.

Staff present: Sergeant Steven Bournes, Planner Alicia Giudice, Administrative Services Director Jone Hayes, Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig, Director of Public Works/City Engineer Damien O'Bid, City Attorney Rich Rudnansky,, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

PLEDGE OF ALLEGIANCE

Mayor Guardino led the pledge of allegiance.

1. APPROVAL OF MINUTES OF SEPTEMBER 9, 2009 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)

Moved by Councilmember Gilardi seconded by Councilmember Orchard and passed unanimously to approve the minutes of the September 9, 2009 Regular Meeting minutes as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

The Cotati Farmers' Market takes place at 4:30 p.m. every Thursday through October 1st in La Plaza Park.

The Community and Environment Commission will host an Artists' reception at City Hall on Monday October 12, from 5:00 to 7:00 p.m.

Cotati's annual Oktoberfest will take place this Saturday September 26 in La Plaza Park.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

Sonoma State University Student representative Jesse Schwartz provided a verbal report to Council.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported on City events, including a 'Cooling Center' for senior citizens organized by the Police Department, a safety fair at Lowes sponsored by local public safety agencies and citizen involvement in Mini Park demonstration garden improvements. She further reported that the bank that owns the property located at 195 Valparaiso abandoned property has cleaned up the site.

APPROVAL OF FINAL AGENDA

No changes.

CITIZEN BUSINESS

Mayor Guardino announced that individuals would have three minutes to speak.

Greg Karraker discussed the length of City Council meetings.

Neil Hancock commented on the application for an upcoming multi-cultural festival.

Eric Kirchmann discussed the length and days of the City Council meetings and availability of staff.

Ken Coleman addressed the Council regarding the City Council Code of Ethics and a conversation he had with Vice Mayor Coleman-Senghor.

Prue Draper commented on the motto: Keep brave and carry on.

Phil Maher addressed the Council regarding the City Council Code of Ethics and the sign ordinance.

Joyce Garcia discussed responsibility and behavior of Vice Mayor Coleman-Senghor.

Donald Cropper confirmed when the 100 Valparaiso item would be heard.

Adrienne Lauby addressed the Council regarding comments made by previous speakers, and noted that Vice Mayor Coleman-Senghor has been respectful. She commented on disabled accessibility of buildings.

Councilmembers and staff commented briefly on comments made during Citizen Business.

DIRECTION ON FUTURE AGENDA ITEMS

None.

Mayor Guardino thanked Oliver's market for providing refreshments.

CONSENT CALENDAR

Item 3 was pulled from the Consent Calendar.

Moved by Councilmember Orchard seconded by Councilmember Gilardi and passed unanimously to approve items 2 and 4 on the Consent Calendar.

2. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND FILING THE NOTICE OF COMPLETION, RELEASING PUBLIC IMPROVEMENT BOND, ACCEPTANCE OF THE PARCEL MAP, INCLUDING THE PUBLIC DEDICATIONS FOR RISTAD SUBDIVISION, 195 EUCALYPTUS (Public Works/Engineering) (Action)

Resolution No. 2009-67 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING THE PUBLIC IMPROVEMENTS, RELEASING THE PUBLIC IMPROVEMENT BOND, FILING THE NOTICE OF COMPLETION, AND ACCEPTING THE PARCEL MAP, INCLUDING THE PUBLIC DEDICATIONS

3. AUTHORIZATION OF HOLIDAY SCHEDULE FOR CITY HALL (City Manager) (Action)

City Manager Thompson presented the staff report.

Councilmember Barich expressed opposition to the proposal. Vice Mayor Coleman-Senghor expressed support.

Mayor Guardino opened the floor to public comment.

There being no one wishing to speak, Mayor Guardino closed the public comment period.

Moved by Vice Mayor Coleman-Senghor, seconded by Councilmember Gilardi and passed 4-0-1 (Councilmember Barich voting no) to implements a holiday schedule for City Hall consisting of the cancellation of the regular City Council meeting of December 23, 2009 and the closure of City Hall during the period of Monday December 21, 2009 through Friday January 1, 2010.

4. AWARD OF THE CONTRACT FOR OLD REDWOOD HIGHWAY REHABILITATION SOUTH, PROJECT NO. E09-01 [ESPL-5383(007)] (Public Works/Engineering) (Action)

Resolution No. 2009-68 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI 1) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO AWARD THE PROJECT IN ACCORDANCE WITH LAW, TO O.C. JONES & SONS, INC., THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER FOR THE OLD REDWOOD HIGHWAY REHABILITATION - SOUTH, PROJECT NO. E09-01.; AND 2) APPROPRIATE \$39,965 FROM THE TRANSPORTATION DEVELOPMENT FUND (FUND 22) ; AND 3) AUTHORIZE THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO EXECUTE A CONSTRUCTION AGREEMENT AND CONSTRUCTION CHANGE ORDERS AS NEEDED TO FULFILL THE DESIGN INTENT OF THE PROJECT, PROVIDED THAT THE TOTAL CONSTRUCTION AMOUNT DOES NOT EXCEED \$539,965.

PUBLIC HEARING

5. 100 VALPARAISO TENTATIVE MAP (Community Development) (*Action*)

Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig presented the staff report. She explained that staff is recommending that this item be continued in order to allow time to consult with historians and environmental experts regarding the site as the historic buildings on the site have been destroyed by recent fires.

Discussion ensued regarding when the most recent fire had occurred and the vesting of the tentative map.

Mayor Guardino opened the floor to public comment.

Ken Coleman discussed the timing of the construction of homes and the application process.

Bob Haroche, attorney for the applicant, addressed the Council regarding the historic structure and the conditions of approval; he opposes continuing the item.

Linell Hardy pointed out that it is important to get the map correct and expressed support for continuing the item.

Tanya McGinnis addressed the Council regarding the landscape buffer and responsibility for landscaping. Fence placing

Jan Kravitz expressed support for continuing the item.

Prue Draper commented on the loss of the historical significance of the buildings and indicated support for a continuance.

Brad (last name not discernible) pointed out that the buildings are gone and it would be best to document, archive and get on with it.

An unidentified speaker discussed the project density and the need for revenue and expressed opposition to continuance.

Adrienne Lauby commented on the removal of trees on the property, the application process for this development and expressed support for continuance.

Jim Fuche indicated support for continuance.

Lindy Reese commented on the removal of trees on the property and the destruction of the buildings on the property. She expressed support for continuing the item.

Emily Straub commented that the developer and attorney have promised to rebuild the structures; she expressed support for moving forward with the development because the City needs the revenue.

Donald C. expressed support for continuance of the item.

Phil Maher discussed the proposed density and indicated support for continuing the item.

Eric Kirchmann expressed support for continuance. He's not alleging anything, but the fires were convenient.

Greg Karraker indicated support for considering the item at this time.

There being no one else wishing to speak, Mayor Guardino closed the public comment period.

Councilmember Gilardi expressed support for continuance until the 12 items in the email from the developer are handled. She noted that this is a special piece of property that had special buildings and pointed out that housing is not economic development.

Councilmember Barich asked for pictures of the site.

Councilmember Orchard indicated that she recognizes that the changed conditions need to adequately and clearly reviewed before moving forward.

Vice Mayor Coleman-Senghor indicated support for continuance and noted the need to project the interests of the city and to address concerns of neighbors.

Mayor Guardino supports continuance and noted that projects take time because the process is designed to protect citizens.

Moved by Councilmember Gilardi, seconded by Councilmember Orchard and passed unanimously to continue this item to October 28, 2009.

Mayor Guardino called a recess at 8:28 p.m. and reconvened at 8:40 p.m.

REGULAR AGENDA

6. RECOMMENDATION TO THE SONOMA COUNTY MAYORS' AND COUNCILMEMBERS' ASSOCIATION REGARDING CITY OF CLOVERDALE'S REQUEST FOR SUPPORT FOR A MODIFICATION TO THE SONOMA COUNTY AGRICULTURAL AND OPEN SPACE DISTRICT MATCHING GRANT PROGRAM (Community Development) (Action)

Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig presented the staff report.

Discussion ensued about whether projects have been turned away because of cost, the amount of funding, and how multiple-year allocations might work.

Mayor Guardino opened the floor to public comment.

There being no one wishing to speak, Mayor Guardino closed the public comment period.

Discussion ensued regarding the importance of the matching grant program.

Moved by Councilmember Orchard for the Mayor to use his judgment after listening to the discussion and debate regarding the City of Cloverdale's request for a recommendation to the Mayors' and Councilmembers' Association for a modification to the Sonoma County Agricultural and Open Space District Matching Grant Program.

Discussion ensued regarding the motion. Council concurred in its support for the Mayor to use his best judgment. Council further expressed the importance of the matching grant program and noted its support to find ways to make funding more flexible and accessible for cities.

Councilmember Orchard amended the motion to encourage the Mayor to support the cities in his decision. The motion was seconded by Councilmember Gilardi and adopted unanimously.

7. RECOMMENDATION FOR APPOINTMENT BY THE SONOMA COUNTY MAYORS' AND COUNCILMEMBERS' ASSOCIATION TO THE NORTH COAST RAILROAD AUTHORITY BOARD OF DIRECTORS (NCRA) (City Manager) (Action)

City Manager Thompson presented the staff report.

Mayor Guardino opened the floor to public comment.

There being no one wishing to speak, Mayor Guardino closed the public comment period.

Discussion ensued regarding the fact that both individuals are well-qualified and Cloverdale's experience with rail.

Moved by Councilmember Gilardi, seconded by Councilmember Orchard and passed 4-0-1 (Vice Mayor Coleman-Senghor abstaining) to support Gus Wolter from Cloverdale appointment by the Sonoma County Mayors' and Councilmembers' Association to the North Coast Railroad Authority Board of Directors (NCRA)

ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER OF JOINT MEETING OF CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Mayor Guardino adjourned the regular meeting and convened the joint meeting to order at 9:06 p.m.

CONSENT CALENDAR

Moved by Councilmember Gilardi seconded by Councilmember Orchard and passed unanimously to approve item 9 on the Consent Calendar.

8. WARRANTS AND AUDITED CLAIMS (Administrative Services) (Action)

This motion receives and files warrants and audited claims for August 27th, 2009 – September 9th, 2009.

ADJOURNMENT OF JOINT MEETING; RECONVENING OF REGULAR MEETING OF CITY COUNCIL

Mayor Guardino adjourned the joint meeting and reconvened the regular meeting to order at 9:07 p.m.

9. CORRESPONDENCE AND PENDING LEGISLATION (*Discussion and possible Action*)

Request for letter of support for AB 566 (relating to mobilehome parks)

City Manager Thompson noted that Vice Mayor Coleman-Senghor, as legislative liaison, would present the report. Vice Mayor Coleman-Senghor presented the item and indicated that the legislative committee supports AB 566

City Attorney Rudnansky responded to questions about the bill.

Mayor Guardino opened the floor to public comment.

Marian Coglein spoke in support of AB566 and for letter.

Adrienne Lauby indicated support for AB566 and for the city to write a letter of support

Linell Hardy indicated agreement with Ms. Lauby's comments.

There being no one else wishing to speak, Mayor Guardino closed the public comment period.

Moved by Councilmember Orchard seconded by Councilmember Gilardi and passed unanimously for the Mayor to send a letter of support for AB566.

CITY COUNCIL REPORTS (*Discussion*)

Councilmembers reported on recent and upcoming activities, including reports from meetings attended at City expense.

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING TO CLOSED SESSION

Mayor Guardino adjourned the regular meeting at 9:23 p.m. to closed session in the City Manager's office.

CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION

CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code Section 54956.9)

City of Santa Rosa vs. Sonoma County Water Agency, et. al (Sonoma County Superior Court Case # SCV-245844)

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code
Section 54957)**

Title: City Manager

ADJOURNMENT OF CLOSED SESSION

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk